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Committee on the Rights of the Child
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Summary record of the 2090th (Chamber A) meeting*
Held at the Palais des Nations, Geneva, on Friday, 22 January 2016, at 3 p.m.

Chair: Ms. Muhamad Shariff (Vice-Chair)

Contents

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Zambia (continued)

* No summary record was issued for the 2089th meeting.

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In the absence of the Chair, Ms. Muhamad Shariff, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Zambia (continued)
(CRC/C/ZMB/2-4; CRC/C/ZMB/Q/2-4 and Add.1)

1. *At the invitation of the Chair, the delegation of Zambia took places at the Committee table.*

2. **The Chair** invited the delegation to reply to questions asked at the 2088th meeting.

3. **Mr. Kalaluka** (Zambia) said that all children in Zambia, including refugees and members of other vulnerable groups, had access to health and education services.

4. **The Chair** said that, as she understood it, the question had been about particular groups of refugee children who lived in urban areas and did not attend school.

5. **Mr. Kalaluka** (Zambia) said that no steps were taken to block refugees' access to health and education services. While children of parents without residence permits might choose not to use such services because they feared contact with the authorities, there was no active policy to exclude them. If such children presented themselves to the authorities, they would be put in school and given access to health services.

6. **Ms. Sandberg** said that, according to information previously provided by the delegation, children needed to be registered as residents and present a birth certificate in order to attend school. What happened to refugee children who were not registered?

7. **Mr. Kalaluka** (Zambia) said that the birth registration process was undergoing reform. In the meantime, it was highly unlikely that a child would be denied health care or a place in school for lack of a birth certificate.

8. **Ms. Sandberg** asked whether access to schooling depended on the possession of a residence permit by the child, or by his or her parents.

9. **Mr. Kalaluka** (Zambia) said that his country had no programme to deny particular children access to schooling or health care. Children whose parents were in Zambia illegally might prefer not to seek such services, but if they did, the services would be granted, though the parents would then, of course, have to deal with the legal consequences of their irregular status.

10. **Ms. Aho Assouma** asked what steps were taken to ensure that a child who enrolled in school without a birth certificate could get a birth certificate.

11. **Mr. Kalaluka** (Zambia) said that, given sufficient evidence that the child had been born in Zambia, a birth certificate would be issued. Birth certificates could be issued at any stage in a person's life.

12. Replying to earlier questions, he said that school curricula covered human rights issues, including non-discrimination. While article 11 of the Constitution did not expressly prohibit age- or disability-related discrimination, the courts interpreted the list in that article as being non-exhaustive. In his Government's view, the article was sufficiently comprehensive.

13. Under article 19 of the Constitution, all children in Zambia had the right and liberty to practise any religion of their choosing. Article 11 of the Constitution expressly prohibited discrimination on the basis of religion.

14. Replying to a question about the presidential pardon granted to the singer Clifford Dimba, who had been convicted of raping a child, he said that the president had a constitutional right to pardon anyone convicted of a crime. The pardon had been granted on the grounds that the singer had demonstrated remorse for his actions by writing and performing songs to that effect.

15. **Ms. Munga** (Zambia) said that Zambia had acceded to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption in 2015. Adoptions were guided by that instrument and by the Adoption Act. The ratio of intra- to intercountry adoptions was currently 3 to 1.

16. Children living without their parents, including street children, were covered by several social protection policies and programmes, including the National Child Policy, the National Social Welfare Policy and the Social Protection Strategy. Her Government had recently increased funding for a programme providing cash transfers to vulnerable households, including those headed by children. More than 100 institutions provided accommodations for 7,000 orphaned children. A dedicated force of inspectors monitored children in institutions and foster care to ensure they were adequately cared for. The inspectors could also represent such children in court, so that in most cases children did not require private legal representation.

17. **The Chair** asked whether State-run childcare institutions had complaint mechanisms.

18. **Ms. Munga** (Zambia) said that residential institutions were managed by NGOs and monitored by State inspectors. Special committees at those institutions examined individual children's cases as needed. Only the country's three institutions for children in conflict with the law were run directly by the Government.

19. **Mr. Zulu** (Zambia), replying to questions about child labour, said that his country had comprehensive laws in that regard. The Employment of Young Persons and Children Act drew many of its definitions and principles from the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182). Rural child labour was mostly agricultural, while in urban areas children tended to sell items in markets or assist blind persons. Her Government was aware that it needed to continue raising awareness of the prohibition against child labour and increase institutional capacity to tackle the issue. Child labour was closely related to poverty, and her Government provided poor parents with cash transfers and other aid to dissuade them from sending children to work. When the authorities identified victims of child labour they strove to get them back to school and ensure they learned marketable skills. Her Government was formulating a national plan of action to tackle child labour.

20. **Mr. Madi** (Country Rapporteur), citing official statistics according to which nearly one third of children in Zambia worked, requested information about the labour inspection system. He said that the Committee would welcome up-to-date statistics on child labour and on the proportion of offending employers who were actually convicted.

21. **Mr. Zulu** (Zambia) said that his delegation would provide the requested statistics to the Committee in writing. He said that the Ministry of Labour was responsible for inspecting places of work and following up on violations. Most violations of child labour laws occurred on commercial farms and in the informal sector.

22. **Ms. Ziela** (Zambia) said that 2,422 cases of rape and other sexual abuse of children had been reported in 2014; 1,551 had been carried over to 2015 because they were still being investigated or prosecuted. The 841 cases that had gone through the

court system had resulted in 305 convictions, 60 acquittals and 40 withdrawals of complaints.

23. The authorities had established one-stop centres to provide child victims of sexual abuse with medical assistance, counselling and other support. Help was also available for children's guardians, provided they had not been identified as perpetrators; legal advice was provided to help them make informed decisions about how to proceed. Social welfare authorities were tasked with determining whether the victim's environment was dangerous and with helping to find alternative housing, if necessary. A witness support fund had been established to help pay for measures, including relocation, to keep child and adult witnesses safe. Call centres run in partnership with civil society offered children around-the-clock counselling services.

24. The fast-track courts handling such cases provided one-way screens to shield witnesses, especially children, who testified. Witness liaison officers assisted children at police stations and during court proceedings.

25. Civil society organizations operated programmes to help mothers of rape victims testify against husbands identified as perpetrators.

26. Abortions were governed by the Termination of Pregnancy Act. Birth control was freely available, and information campaigns promoted abstinence and other types of responsible behaviour.

27. **Ms. Sandberg** asked whether the fast-track courts constituted a regional pilot programme or had been rolled out countrywide. If the former, were there plans for nationwide coverage?

28. She asked how the one-way screens used for depositions worked and whether there were plans to allow children to testify via video recordings.

29. **Mr. Rodríguez Reyes** (Country Rapporteur) asked whether there were enough adolescent health centres to meet the demand for abortions.

30. **Ms. Aho Assouma** asked whether the rape victim in the case involving Clifford Dimba had received protection, treatment or compensation of any kind.

31. **Mr. Kalaluka** (Zambia) said that, since issues of compensation for victims were not addressed in criminal proceedings, it was for the victim or the family of a victim to institute a civil action for damages.

32. **Ms. Ziela** (Zambia) said that the one-way mirrors used in fast-track courts prevented the child from seeing the accused but allowed the latter to observe the child's demeanour. It was also possible for witnesses to give evidence via telephone link. While such courts had been established in only two provinces to date, it was hoped that they would be functioning nationwide in due course. Although health facilities providing safe abortion services were widely available throughout the country, there were some regions where abortion procedures could not be performed because of a lack of adequately qualified medical practitioners.

33. **Mr. Kalaluka** (Zambia) said that the Government had recently created a number of separate holding cells for children in prisons and police stations; it recognized, however, that further efforts were required in that regard. It had also introduced a centralized arrest and referral system for juveniles who came into contact with the criminal justice system to ensure that their cases were handled differently from those of adults. Furthermore, it was working with the Child Justice Forum to develop regulations and guidelines to ensure that those juveniles were detained only under very rare circumstances.

34. **The Chair** asked about bail and bond conditions.

35. **Mr. Kalaluka** (Zambia) said that a police bond was free of charge. The courts were able to exercise their discretion as to whether to grant bail free of charge or to require sureties, which were normally affordable. Bail decisions could be appealed to a higher court.

36. **Mr. Madi** asked whether there were any plans to build more juvenile detention facilities to ensure that minors detained before or during trial could be held near their homes.

37. **Mr. Kalaluka** (Zambia) said that the Government was taking steps to ensure that more such facilities would progressively become available countrywide. Referring to an earlier question, he said that the Children's Code Bill sought to raise the minimum age of criminal responsibility from 8 to 14.

38. **Mr. Madi** asked whether the Government was planning to introduce any legislation governing diversion from the criminal justice system and what was being done to ensure that adequate funding was available for the proper legal representation of children.

39. **Ms. Munga** (Zambia) said that provisions on diversion had been included in the Children's Code Bill.

40. **Ms. Ziela** (Zambia) said that, following a round-table discussion involving various stakeholders, including representatives from the public prosecutor's office, social workers and legal guardians, the courts could now be requested at the outset of proceedings to divert cases out of the criminal justice system in favour of, for example, a rehabilitative process.

41. **Ms. Sandberg** asked whether those arrangements were applied systematically throughout the country.

42. **Ms. Ziela** (Zambia) said that some requests for diversion resulted from a process initiated by the Child Justice Forum, which was currently operational in only three of the country's provinces. However, the Director of Public Prosecutions also had discretion to divert cases.

43. **Mr. Kalaluka** (Zambia), replying to a question by **Mr. Gastaud** on the minimum age of criminal responsibility, said that, in practice, where it was clear that children did not understand the nature of the charges against them or what it meant to be under oath, the court did not proceed with the case, regardless of the age of the child.

44. In order to address shortcomings in the provision of legal representation for children, the Legal Aid Board had been granted financial autonomy, and new Board offices were being opened in various provinces with a view to progressively establishing a national network. In addition, paralegals — lawyers who had not yet been admitted to the bar — were allowed to appear before magistrates' courts in criminal matters in order to assist indigents who were in need of legal aid. The Law Society made funding available to provide some reimbursement for the expenses of lawyers who were offering pro bono services.

45. **Mr. Madi** asked whether paralegals were members of the Law Society or an equivalent body.

46. **Mr. Kalaluka** (Zambia) said that, in order to appear before a court, they had to be granted a limited right of audience by the Chief Justice.

47. **Ms. Aho Assouma** asked what reinsertion programmes were in place for minors in conflict with the law.

48. **Ms. Munga** (Zambia) said that children who were placed in one of the country's three rehabilitation centres could either follow the normal school programme or

receive vocational skills training in order to prepare them for their return to the community.

49. **Ms. Aldoseri** asked the delegation to comment on reports that parent-teacher associations required parents to pay school fees.

50. **Mr. Kalaluka** (Zambia) said that any arrangements in that regard were agreed jointly between the parents and the teachers of the schools concerned, generally without the direct involvement of the Government.

51. **Ms. Sandberg** asked whether the District Education Boards were responsible for reviewing agreements between parent-teacher associations and schools.

52. **Ms. Munga** (Zambia) said that that was the case. The Boards were mandated to ensure that all schools in their respective districts complied with the Education Act and directives issued by the Ministry of Justice, including those relating to the charging of fees by schools.

53. **Mr. Kalaluka** (Zambia), replying to a question about school fees from **Mr. Madi**, said that primary school education was free of charge.

54. **Ms. Aho Assouma** asked the delegation to comment on reports that there was a widespread belief that sexual intercourse with a virgin was a cure for HIV/AIDS and that, because of gender power relationships, women could not ask their partners to engage in protected sexual intercourse.

55. **Mr. Kalaluka** (Zambia) said that the Government had intensified its awareness-raising efforts in order to correct misguided beliefs surrounding sexual relations and the transmission of HIV/AIDS. Given the young age of most of the victims, the authorities zealously prosecuted men accused of having non-consensual intercourse with virgins.

56. **Ms. Aho Assouma**, noting the gravity of the HIV/AIDS situation in Zambia, asked what health infrastructure was in place in rural areas, how accessible antiretroviral drugs were and whether there were services for young people.

57. **Mr. Madi** requested further information on the child-focused efforts of the Committee on Human Trafficking and whether there was a plan of action regarding the commercial exploitation of children, including exploitation for the purpose of prostitution.

58. **Mr. Gastaud**, pointing out that the report mentioned past measures to address the situation of street children, asked whether a survey had recently been carried out and what steps were being taken to resolve the issue.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

59. **Mr. Kalaluka** (Zambia) said that children did not face barriers of any kind because of their religion, as the Constitution guaranteed freedom of religion.

60. **Mr. Rodríguez Reyes** recalled that the Committee had received reports that Muslim children had had difficulties obtaining identification cards owing to their distinctive names.

61. **Mr. Kalaluka** (Zambia) said that there were no such problems in Zambia.

62. **Ms. Ziela** (Zambia) said that the Ministry of Gender and Child Development, in collaboration with the Ministry of Community Development, Mother and Child Health, the University of Zambia and UNICEF, had conducted the first national survey on sexual, physical and emotional violence against children with a view to informing the design, implementation and evaluation of violence prevention and response programmes.

63. **Ms. Munga** (Zambia) said that in Zambia, like in other developing countries, girls tended to carry out traditional tasks, such as household chores and helping with younger siblings, while boys had more time to play. However, the situation was slowly changing and an affirmative action programme encouraged the equal treatment of girls and boys.

64. **The Chair**, repeating an earlier question, invited the delegation to comment on reports that recreational facilities were open only once a week and some had been leased out to organizations that then charged user fees.

65. **Ms. Munga** (Zambia) said that all students had access to recreational facilities on Fridays. Both public and private schools ran sports and leisure programmes, and physical education was one of the core subjects.

66. **Mr. Zulu** (Zambia) said that the Government considered leisure, sports and culture as essential components of personal development and was therefore determined to revamp the recreational activities offered in schools, institutions and communities. Furthermore, a national sports policy had been adopted and the revised National Child Policy explicitly stated that sports and leisure were key to the development of young people. The Ministry of Sport, Youth and Child Development had launched two programmes at the institutional and community levels, and efforts were under way to list all the local recreational facilities that had been leased out for other purposes in order to reclaim them.

67. When the authorities had first become aware of the problem of HIV/AIDS in the 1980s, the prevalence rate had been 20 per cent; it was now down to 14 per cent. A national HIV/AIDS policy had been adopted which focused on prevention and treatment, including of complications from long-term use of antiretroviral drugs, and a programme had been set up to prevent mother-to-child transmission. Information spots were broadcast on radio and television and politicians talked about the problem in their speeches wherever relevant. Babies born HIV-positive received the necessary care, and while young people were urged to abstain from intercourse, they were also taught about safe sexual practices. The population was encouraged to get tested regularly. The authorities were aware that HIV/AIDS was not merely a health issue; therefore, programmes had also been put in place to address some of the contributing factors, in particular poverty.

68. **Ms. Aho Assouma** asked whether HIV/AIDS screening was available across the country or only in centralized facilities. She requested additional information on how the mother-to-child transmission programme dealt with breastfeeding.

69. **Mr. Rodríguez Reyes** asked whether young people faced any obstacles in obtaining treatment for HIV/AIDS.

70. **Mr. Zulu** (Zambia) said that every Government-run health centre conducted HIV/AIDS screening and some privately run medical centres and specialized NGOs also provided the service. The Government's goal was that every household should be within 20 kilometres of a health centre. Nevertheless, distance remained a problem, especially in rural areas. Mothers who were HIV-positive were discouraged from breastfeeding.

71. **Ms. Munga** (Zambia) said that the Persons with Disabilities Act of 2012 covered child-specific issues, and the Education Act of 2011 made education compulsory and laid down penalties for failing to enrol children in school. All new schools were required to have access ramps, there was a bursary programme for vulnerable children and more than 4,100 children with disabilities had received various forms of support under the public welfare assistance scheme in 2014.

72. **Ms. Aldoseri**, pointing out that there did not appear to be an implementation plan for the Convention on the Rights of Persons with Disabilities, the Persons with Disabilities Act or the National Policy on Disability, asked when the State party would adopt a framework to that end. She also asked whether a plan had been adopted with regard to inclusive education.

73. **Mr. Kalaluka** (Zambia) said that the Persons with Disabilities Act reproduced the provisions of the Convention on the Rights of Persons with Disabilities.

74. **Ms. Munga** (Zambia) said that the Persons with Disabilities Act and the National Policy on Disability had been adopted in 2012 and 2015, respectively, and that was why the formulation of a national action plan was still under way. The Education Act made education compulsory for all, including children with disabilities.

75. **Ms. Aldoseri** asked whether the start of work on a national action plan meant that the National Policy on Disability had been formally adopted.

76. **Ms. Munga** (Zambia) replied that the Policy was in effect.

77. **Mr. Kalaluka** (Zambia) said that the right to life, including for children, was enshrined in the Constitution. As a result of Government efforts made possible with the financial and technical support of partners, infant mortality had dropped from 191 to 119 per 1,000 live births, over 60 per cent of all HIV-positive women had access to antiretroviral treatment, more than 97 per cent of children had access to basic education and the coverage of immunization campaigns was 77 per cent.

78. **Mr. Zulu** (Zambia) said that the Prisons Act did not prescribe food or accommodation for babies or children who lived with their mother in prison, but efforts were being made to amend it to do so. Such so-called "invisible children" had been mentioned in the National Child Policy and would be covered in the National Plan of Action. In conjunction with a number of ministries, the Government had provided food and made arrangements with certain civil society organizations for the care of some children. In addition, the national Human Rights Commission had conducted prison visits in order to assess the needs of the mothers and their children.

79. Education in human rights was included in the school curriculum as part of civic education, and young people were encouraged to join clubs that promoted human rights, such as children's rights clubs, and to form associations in schools and communities in which they could express their views. The Government encouraged children's participation in policymaking and the drafting of guidelines, as evidenced by the section of the State party's report on the views of children on the definition of the child (CRC/C/ZMB/2-4, para. 45).

80. A number of studies had been conducted on the problem of children living in the streets. The most recent one, carried out in 2006, had produced a comprehensive national strategy on street children in Zambia and recommendations that were being implemented by various actors in an effort to reduce the phenomenon. At the opening of the most recent session of the National Assembly, the President had issued a directive to key ministries, such as those in charge of social affairs, gender, children and youth and the national service, to devise a multisectoral national strategy on children who lived in the streets. Components of such a strategy included prevention, family support, the placement of at-risk children in foster care or in line for adoption, strengthening civil society organizations, getting children to return to school and providing skills training for young people. The committee that had formulated the multisectoral plan was requested to report to the President on the results in implementing it. The Government was doing its utmost to ensure that young people living in the streets were placed in appropriate environments.

81. **Ms. Ziela** (Zambia), referring to actions taken to prosecute cases of trafficking and provide services to victims, said that the Government treated such cases in much the same way as other criminal matters that were considered to be gender-based crimes. Officers were being trained in identifying cases of trafficking and in dealing with the vulnerability of victims. The Government had been engaged in efforts to monitor trafficking cases in cooperation with the International Organization for Migration (IOM) and the International Labour Organization (ILO). A special branch of the Zambia Department of Immigration had prosecuted several persons, and its operations had recently been transferred to the National Prosecution Authority for the purpose of expanding the staff who handled such cases.

82. **Mr. Madi** requested statistics on the dropout rate among girls and asked whether any studies had been conducted in order to identify the underlying reasons.

83. **Mr. Zulu** (Zambia) said that the reasons why girls dropped out of school in Zambia had been identified, and he would provide the Committee with statistics on various indicators, such as teenage pregnancy, the lack of school boarding facilities or the lack of family support.

84. **Mr. Madi** said that statistics were merely the starting point in identifying the problem; it was more important to know what the Government was doing in order to deal with those problems.

85. **Mr. Kalaluka** (Zambia) said that the Government had taken a number of measures to reduce the percentage of female dropouts. It had conducted awareness-raising among parents and students, especially in rural communities, on the importance of education for girls; dramatically increased the number of new schools in rural areas so as to reduce the distances that children had to walk; outlawed child marriages; and taken steps to allow girls who became pregnant to return to school after delivering their baby.

86. **Ms. Aho Assouma** requested information on the Government's implementation of its strategic plan to reduce teenage pregnancy. With regard to the 14-year-old victim of rape by the Zambian singer Clifford Dimba, she wished to know how the Government was protecting the girl from media exposure and from being ostracized by her community. She wondered whether, if the girl had had to move to another village with her family, she had received compensation and whether she, and other victims like her, would later have the chance to get married or would forever be stigmatized as a result of what had happened to them.

87. **Ms. Ziela** (Zambia) said that, in order to protect her identity, the rape victim referred to by Ms. Aho Assouma had been given a pseudonym. Since the Zambian community was based on very strong family ties, the girl's family would provide all the protection she needed in order to prevent her revictimization. Victims of sexual violence and their families were offered psychosocial support and could apply for compensation under civil law.

88. **Ms. Sandberg** asked how many children lived with foster families and whether foster families were regulated by the same minimum care standards as were residential care institutions. She enquired as to whether the regulations concerning the quarterly inspection of such institutions were carried out in practice, and if that was not the case, what obstacles stood in the way of their implementation. She wished to know whether foster families were subject to monitoring and what were some of the reasons for children being placed in foster homes and families. She wondered whether single parents received enough support to be able to take care of their children before it became necessary to take their children away from them. Lastly, she asked what measures the Government was taking to combat gender stereotyping.

89. **Ms. Munga** (Zambia) said that no statistics were available on the number of children placed in foster families. Before such an arrangement was made, an assessment was carried out to ensure that the foster family was capable of meeting the child's needs. Since the majority of foster parents were also the children's relatives, the Government assumed that the child was being well cared for, and consequently, no monitoring was needed. She acknowledged that such an assumption might need to be re-examined in the light of the child's best interests.

90. The Government did not carry out quarterly inspections of children's residential institutions, owing to a lack of resources, primarily a shortage of personnel, but efforts were under way to hire additional inspectors. The reasons for placing a child in an institution included the death of the parents, the death of the mother during childbirth, leaving the father incapable of taking care of the child, and abandonment, neglect or abuse.

91. **Mr. Rodríguez Reyes** (Country Rapporteur) thanked the members of the delegation for their replies, which had contributed to an interesting and constructive dialogue with the State party. The Committee had taken note of the important progress made by Zambia, as well as the many challenges it still faced, especially with regard to the effective implementation of its policies and improvements in its collection of statistical data on children.

92. **Mr. Madi** (Country Rapporteur) said that Zambia was taking a very progressive approach to the promotion and protection of children's rights, in terms of the adoption of the amended Constitution and the possible adoption of an expanded Bill of Rights and a children's code. The Committee looked forward to the practical implementation of those instruments, which would go a long way towards promoting and protecting the rights of children in Zambia.

93. **Mr. Kalaluka** (Zambia) thanked the Committee for its comments and recommendations, which would be useful in assisting Zambia to progress towards the full realization and protection of children's rights. He would ensure that the responses to any outstanding questions were transmitted to the Committee within the established time frame.

94. **The Chair** thanked the members of the delegation for their participation in the constructive dialogue with the Committee and expressed her best wishes for the children of Zambia.

The meeting rose at 5.55 p.m.